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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,744	04/20/2001	Olivier Frank	OLIVIER-I	1292
28581	7590	03/21/2007		
DUANE MORRIS LLP PO BOX 5203 PRINCETON, NJ 08543-5203			EXAMINER TINKLER, MURIEL S	
			ART UNIT	PAPER NUMBER
			3691	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/839,744	FRANK, OLIVIER	
	Examiner	Art Unit	
	Muriel Tinkler	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/1/2001</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been reviewed. The amended claim 6 and new claims 7-12 are pending. The rejections are as stated below.

Response to Arguments

1. Applicant's arguments filed December 8, 2006 have been fully considered but they are not persuasive.
2. The rejections based on 35 USC § 112 and claim objections based on the drawings have been withdrawn because the applicant has cancelled claims 1-5 and replaced them with new claims 7-11.
3. Claim 6 has been rejected on the same grounds as recited in the non-final rejection filed September 8, 2006.
4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., black, blue, red or grey lists) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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5. Claims 7 and 12 has been rejected based on the same grounds as claim 1 of the application filed on April 20, 2006. The reason(s) for the stated rejection are shown below.

6. The rejections for claims 8-11 have not been withdrawn. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigardi (US 5,010,485) in view of Russell (US 2002/0029195).

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10. The declaration filed on December 8, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Bigardi reference.

11. Claim 6 discusses a validator of access to a service by a rechargeable voucher, including means for: reading the voucher number, recharging the voucher, and storing a list of vouchers, the validation of which is authorized and/or forbidden. Bigardi and Russell discloses the information in claim 6, as shown in the non-final rejection dated September 8, 2006.

12. The declaration under 37 CFR 1.132 filed December 8, 2006 is insufficient to overcome the rejection of claim 6 based upon Bigardi under 35 U.S.C. 103 as set forth in the last Office action because: Applicant argues the validity of the rejection because, "Bigari does not disclose a system that includes a means for storing a list of vouchers (such as the black, blue, red, grey lists described n the present Specification)". Claim 6 does not state the limitation(s) of black, blue, red or grey lists, as suggested in the Specification.

13. Claims 7 and 12 discuss a system and method 7 for managing rechargeable vouchers of access to a service, the system comprising: a central station for executing service payment requests submitted by a user of a voucher independent of voucher charging or recharging operations; and a plurality of service access validation stations comprising validators, in communication with the central station, wherein upon

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presentation of the voucher by the user, the validator performing charging or recharging operation on the voucher subject to an agreement from the central station and provides access to the service.

14. Bigardi and Russell disclose the information in claim 7. Please see the rejection of cancelled claim 1, as shown in the non-final rejection dated September 8, 2006. The applicant argues Bigardi does not specify that, "the central station execute the service payment from the user independent of the voucher charging or recharging operation." Bigardi does state that this. The voucher charging or recharging operation is performed in the payment voucher apparatus as shown in column 3 (lines 39-45), "This payment voucher apparatus is adapted for use in conjunction with a family of charge cards wherein customers who have a respective member of said family of charge cards can execute transactions in order to obtain a guaranteed voucher for a selected ceiling amount for use in purchasing goods or services from the merchant." The central station is remote of the payment voucher apparatus as shown in column 3 (lines 36-39), "Integral to this system is a payment voucher apparatus located remotely from the point of purchase station (typically a cash register)" and column 4 (lines 19-25). The voucher thus becomes valid for the maximum amount of the proposed charge. The card holder only then approaches the point of purchase station and places his/her order for goods or services and the actual transaction is totaled." Bigardi clearly states that it is only after the card is endorsed at the remote location that the customer approaches the central station for purchase therefore, it is shown that the service payment from the user

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is independent of the voucher charging or recharging operation. Bigardi and Russell disclose the information in claim 7. Please see the rejections of cancelled claim 1, as shown in the non-final rejection dated September 8, 2006.

15. The applicant also argues that, Bigardi does not disclose a service validation station, where the user presents her voucher to gain access to a desired service at a particular service provider location. This presenting of vouchers can be seen in the above referenced section of column 4 (lines 19-25).

16. Claims 8-11 directly relate to the cancelled dependent claims 2-5. While the claims have been amended to correct the rejections based on 35 USC § 112, the substance of the claims have not been amended. The applicant did not argue the validity of the rejections of cancelled dependent claims 2-5 (now, new claims 8-11), other than that they should be allowed because of their dependence on claim 7. Therefore, it is assumed that the applicant agrees with the rejections based on the limiting substance of cancelled dependent claims 2-5 (now new claims 8-11). Bigardi and Russell disclose the information in claims 8-11. Please see the rejections of cancelled claims 2-5, as shown in the non-final rejection dated September 8, 2006.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-


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7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT
March 15, 2007



HANI M. KAZIMI
PRIMARY EXAMINER